614 /1 copy-/
554 for delaying menstruation during the seclusion following the
[843] appearance of puberty, so that the organism may become weakened and the menstrual cycle no longer appears, with which their matrimonial life does not bear fruit. They know beforehand /3/ the destiny of their children. When they become
[567] of useful age a stronger group will fall upon them to enslave them under any pretext -- such as the loss of an animal whose disappearance will be attributed to them without any outcry or civil authority aroused to impede this, and, the injustice inflicted being proved, without any punishment being applied to the aggressor group. Their daughters will be taken as wives
614 without the necessary Guajiro payment, or, simply, they will
554 abuse them, there being no family backing to oppose the de-
543 mands of the men belonging to the stronger groups. If a daughter should be bought, only a nominal payment will be made to silence the protests of her family, but later a very heavy matrimonial retribution will be demanded. Generally, the husband will brag about the way in which he ill-treats the girl, knowing that she is unprotected and that her relatives have insufficient power to demand justice. Thus it is not rare that poor wives are killed by their husbands after a life in which the unfortunate women have been subjected to cruel beatings and even mutilation. And if the family has no alliance with any powerful groups, the death is not indemnified. The mothers also know that should
614 one of their sons, accidentally or in self-defense, wound or kill
554 a member of a stronger family group, the reprisal taken will
628 not be preceded by a demand for compensation payment or any of the legal requirements usually stipulated, but that his whole group will be destroyed or enslaved and deprived of its clan lands, fields, sources of water supply, and personal effects. For such reasons these weak groups are allowing themselves to die out by reducing their birth rate to a minimum.

82 Regarding the special wishes of each group as to the sex of its future descendants, we feel the need of making an analysis of the valuation which each has in the society.

/191 cont./

684 husband until this payment has been made. It is very common for the man not to make any demand for money for the hurt inflicted but to try to revenge himself by his future attitude. The Guajiro women say that a woman once initiated into sexual life acquires the need for repetition of the act. Then the man refuses to satisfy her, does not frequent the home, and does not give the slightest sign of his affection. The woman is in fact abandoned and yet in the situation of a married woman without a husband, with the obligations inherent in marriage and none of its rights.

Another aspect considered as an aggressive act is the fraud entailed when a man discovers that the woman he has married is not a virgin (See Valuation of virginity in the chapter, Pre-marital Considerations).

684 838 628 As homosexuality is very much disapproved of in the culture and regarded as almost an enforced degeneration of the young slaves, whoever practices it draws on himself the contempt and scorn of society, and his status is compared to that of those outside society. It is the custom, when two groups are at enmity, to hurl an insult which must result in a decision by arms. This insult consists in telling the enemy that their men would not even serve as women for their opponents. The hidden aim is to avoid legal proceedings and to start a war without quarter, in which they hope to obtain more advantages than by peaceful and orderly negotiation. /192/

682 The most serious aggressive act is homicide. No attenuating circumstances are taken into account, not even that the killing was involuntary or done in self-defense, since the Guajiro solely considers the act itself: An individual took the life of another and serves punishment.

Let us consider some aspects of this type of aggression.

1. Voluntary homicide, that is, one person killing another consciously and deliberately.

2. Involuntary homicide, that is, one person killing another without intending to execute an aggressive act, such as

/201/

XIII

PRESENTATION OF A CLAIM FOR COMPENSATION PAYMENT

628 A claim for compensation payment /cobro/ is presented to a family group when it has violated some point of the regimen for personal security or collective stability, thereby violationg a civil or judicial right of another group. It is an essential condition that the two groups should be more or less equally placed socially and economically, because when there is inequality, the stronger does not wait for the regular procedure of justice, but gains it by its own hand, in accordance with its own wishes.

The person who brings the "word," that is, the one who is charged with presenting the claim for compensation payment to a family group is, as a general rule, the cacique of a region (Cf. Chap, VII) or someone else of prestige, who receives from the offended clan group the charge of delivering its demand and demonstrating /the grounds for/ the complaint to the other group. Let us see how a claim for death is effected.

A claim for death is presented when the family of the murderer is considered capable of paying for the murder, that is, of a social and economic position equal to that of the dead man.

The man who speaks for the offended clan, in addition to belonging to neither of the two bands, must tener palabra /"have word"/. By tener palabra a Guajiro means a person, man or woman, who is a master of the native language, knows very clearly the suitable course /to take/ for every situation; who is capable of expressing his thoughts in a fluid and clear form, without hesitation, with the necessary energy before all the men congregated together to hear him; who, possessing the gift of clear and serene exposition, at the same time is easy and pertinent in repartee; who can dominate his audience because his phrases have great power of conviction to establish, above all, the superiority of the group which he is representing against its

/201 cont./

628 adversary; who knows how to describe the situation of the offended group without humbling it or provoking a negative reaction from the enemy; who is capable of making the opponents feel their guilt without injuring them; who leads them by means of considerations of personal convenience to the acceptance of a commitment which benefits the group he is defending, without being too /202/ onerous for the other; who does not provoke resistance and criticism from the opposing group; who does not appear to be a prosecutor but rather a mediator of good will in the problem of the interested parties; who knows how to listen serenely to the insults that the two groups hurl at each other and does not transmit them literally, but rather in a form that will lead to a settlement; who knows how to get the better of his adversary, not only through his inferiority as the guilty party but through his personal weaknesses as a man; and finally, who conducts the discussion cleverly, now humbly, now proudly, in accordance with the changes of opinion of his hearers, recalling the past or presenting to the enemy the dangers of an anxious future if they do not come to some settlement, showing the bitterness of exile and the distress of a life without peace and the natural advantage of a settlement which benefits both equally, until he overcomes the antagonist and obliges him of his own accord, without annoyance of rancor, to make the peace after a solemn promise to make a settlement or a commitment to pay a just amount to the offended group.

The procedure is as follows: Having been charged with the representation of one group to present the claim for compensation payment to the other, he who brings the "word" goes to the house of the murderer's closest relatives.

He arrives very early, at two o'clock in the morning generally, before the assembled family has dispersed to attend to its daily work.

576 He draws the attention of the owners of the house to his presence, and they give him the usual salutation, Ansh pía ("Have you arrived?"), which permits him to introduce himself. They all rise and talk to him; then he explains the reason for his visit; he has come to present a claim on the part of such-and-such a

/202 cont./

628 group for such-and-such a delict, and he expounds at once the conditions, if the deed is not considered very grave, that is, if it is not for murder. If it has assumed a special gravity, he asks for a gathering of all the men of the family in a certain place, near which the men of the offended group will also meet. He serves as intermediary between the two in order to arrive at a settlement.

At the specified place on the day set both groups gather, armed and considerably animated, which makes it necessary to maintain a certain distance between them to avoid clashes and worse consequences.

Then begins the most interesting part of the mediator's work, trying to bring to an agreement the interests of the two bands, taking into consideration the means of the offender without defrauding the offended. Success depends in great part on his action. He listens to the demands and charges of one, which he then carries to the others after thinking them over, and after expounding /203/ them and listening to their reply, which he transmits to the other group. His attitude must almost be neutral; if the opponents get angry, he must remain impassive because he must not lose his serenity, or he will not be able to reply in a convincing manner. His words must be measured, although at times he may have to allow himself to be swayed by the force of the sentiments of one or the other side in order to persuade. His first moments of contact between the two bands is dedicated to directing soothing, calming words to the offended ones, making promises of a possible settlement because the other side wishes it, appeasing their bad feelings and somewhat restricting their excessive demands. On the other side, he represses the outbursts of rebellion, the tendency to solve the problem by arms, and endeavors to give to his mediation the aspect of a disinterested counsel, in which capacity he hopes to be listened to.

Thus he takes to the group he represents the words of their adversaries: "It is better that we do not wage war, brother. I come with my men to attain the peace which a settlement with you can give me. I want to satisfy your just anger. And the

/203 cont./

628 fact is that I don't have, as you do, enough enramadas /bough-covered shelters/ to bring together all my people attacked by yours." (He may be richer than his adversary and the person who brings the "word" makes his side believe that there is a strong desire to come to a settlement on the opposite side. With this their anger and their pretensions grow less, and a settlement is possible. He does not repeat, for any reason whatever, insults and threats, because it would only increase bad feeling and cause the mediation to fail). "I lack sufficient hammocks to offer them hospitality. I don't have enough cooking pots and provisions to satisfy their necessities and sufficient animals to slaughter every morning. We want to work. We want to go back peacefully again to our everyday work. I want to be free; to be able to sleep peacefully in the early morning without fear of attack, without the worry caused by hearing the dogs barking to announce the arrival of your people in a warlike manner. I want my mother and my sisters, my aunts and my nieces to be able to wander in peace about the woods looking for iguarayas; I want them to be able to go each day to the well for water without being waylaid and without having to be escorted, to be able to walk on every road without fearing an attack from your people, to be able to go visiting without worry, and not to wait anxiously every day for the return of our sons. I don't want to think that the women of my family or my nieces may be made into slaves by your violence after having been born free. I don't want you to seal my springs nor violate my women. I want to live peacefully with my own people, who respect me; I want to die peacefully on my land and be buried in it. I don't for a moment want to meet death at the hands of your people, a death which all future generations of my descendants will bewail /204/ and which will make our enmity the greater. For this, brother, I do not want war and come for peace."

These words, although they are not said by the adversary, must be said by the good arbitrator to his own side, who in this way believe they see in their enemy good will to make amends for the ill done to them, and so their feelings are predisposed

/204 cont./

628 toward making a settlement and establishing a payment which will restore peace. The people, on hearing the words, are moved and applaud the facile oratory of the person who brings the "word"; they praise him and begin to give ground in their too onerous demands against the clan of the murderer; they put to one side the haughty tone with which they started the proceedings and begin to outline the basis for a settlement, which the arbitrator then transmits to the other side.

However, it may happen that the clan that has suffered the death of its relative, inflamed by the loss and also wishing to prevent the other side from thinking them afraid, boasts of its force and shows its dislike of the settlement. Thus, it declares to the other: "I am a rich Indian. My people are brave and are ready to fight. I want our people to measure their strength against yours. We are not able to forget that one of your men cowardly spilled our blood and took away a life, which was part of ours, too. His spirit cannot rest and still wanders about the places where he was slaughtered. We want to make felt in those of your blood what they have done to ours, so that you do not laugh at our pain nor think us cowards. Dying means nothing to us if for each one of ours we kill more of yours, and our nephews will multiply to avenge our deaths. We're not afraid of you, and we want to fight. We are eager to prove to you that we are capable of making you respect our pain and of avenging our spilled blood. We are not cowards; nobody can yet dominate our men, and they have the courage to make themselves respected. Yours aren't even good as women for ours. We ask for war."

628 577 554 The Guajiro Indian fears above everything else that he be thought a coward, because then the other groups would not respect his rights. His women would be easily violated without obligatory payment; his cowardice and his fear would be thrown up at him at every moment in such a way that his social life would be made impossible. On the other hand, as long as they are more brave and more cruel, they are sure of implanting fear, and with it authority and power. A group that is feared is a powerful group and one that maintains its status.

/204 cont./

628 On some occasions the offender group replies again that it wants peace. "Yes, I know that you are rich and want war. I know that you are well armed and that your people busy themselves night and day preparing for the struggle. But I don't want this." (He returns to the humble tone as a tactic for obtaining a lesser obligatory payment.) "I'm not rich. You do not know /205/ that I don't have enough enramadas /bough-covered shelters/ to shelter my people molested by yours. I don't have enough hammocks to give them hospitality or animals to slaughter or pots to prepare their food. I've told you that they want to go back to their work again, look after their livestock, and await the first rains to do their sowing. They prefer to make a sacrifice and pay you for the offense we have done you so that we may go hunting in the woods and travel on the roads without having to take short cuts because of the fear of meeting some of you. I want to live many years to see my niece's children. I want to take my livestock to distant pasturage and in the winter see them grazing peacefully on my land, which I do not want to be obliged to leave. I want to die and be buried on the land of my people. War is not a game nor a light thing; for this reason I tell you again that I want peace."

In addition to these words spoken by the head of the group to which the murderer belongs, the arbitrator emphasizes to the side he represents the willingness their enemies show to come to some agreement, how pained they are by the bad thing that was done and in which they find themselves involved against their will; they declare it was an accident. He reminds them that they have nieces and sisters who would suffer the consequences of a war. He begs them to think of so many innocent people who are going to suffer the consequences of a rash attack. He talks to them about the future of the group, so peaceful and so happy before, worried and constantly disturbed by a war without quarter which little by little will destroy the important members of the family; he tells them it is better to come to a friendly settlement which offers security and an indemnity for the wrong done than to take justice into their own hands, risking their own lives and those of their relatives without any advantage. Furthermore,

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628 he reminds them of their group's past, the favors they have received at times from their present enemies; the happy hours passed in their company, etc., always emphasizing that what happened was an accident, a misfortune for which those responsible now wish to make amends in the best way possible, and wooing them with the prospect of the economic advantages they can obtain by a peaceful settlement that brings with it all the advantages of peace.

The arbitrator returns once more to the other group, carrying his impressions back and forth and the bases for an agreement, which begins to outline itself, until he achieves a final settlement.

However, in this first meeting the arbitrator sometimes does not reach anything conclusive, and to see if he can obtain better results, he asks for a second session to try his luck. /206/

Once the two bands have decided that the affair can be arranged by means of a payment, the difficulty of getting them both to agree on the amount arises; one side asks too much, surpassing the means of the other to pay, and the latter in turn does not want to pay what is just in such cases. At times the offended group demands things which can hurt the feelings of the other side: the necklace that the murderer's mother received when she got married, for instance, with the idea of humiliating them. Or a very high price is demanded, which causes the offenders to protest: "Don't demand so much. It is true that we ought to pay you more but remember that we are not rich. The long summer parched our grass, and our animals, thin with hunger, died beside the dried-up wells. Our crops dried up for want of water without giving any harvest, and our families suffer from scarcity and need. The epidemics at the end of winter took our loved relatives, and the rest have had to emigrate to foreign lands, looking for work and food. In spite of our troubles, we want the peace that a friendly settlement with you would bring. We want peace. We do not want to look at you with hate nor to have to avoid each other on our common roads. We ask for justice, reminding you of all we have said, and then, to please you, we will gather all our available means. We will beg amongst all of us until we manage to get what you demand, but do not make it so much."

/206 cont./

628 At last the amount of the payment is definitively stipulated, so many animals, so many ornaments etc. The offenders fix a date on which they hope to have everything gathered together in the house of their leading man. The arbitrator goes there on that date, and through their arbitrator, or cacique, they hand over to him in a solemn manner each one of the things they have promised to pay, so that it can be finally and duly noted. The representative then gathers together everything that has been handed over and counts it very carefully in full view of everyone. He receives the ornaments agreed upon and puts them away.

He asks for help in taking the animals given in payment and the other objects to the lands of the others. Members of the group accept this charge at the order of their leader and drive the animals to the borders of the litigants' property, and then return. From there the livestock are taken by members of the offended clan to the house of the murdered man's mother or to that of his maternal uncles. The head of the family group receives from the hands of the arbitrator the stipulated payment and distributes it in a way that we shall see later on, in the pertinent section.

When feelings run very high on both sides and when after postponing and holding several different meetings no agreement is reached /207/ between the two groups, due to the exaggerated greediness of one side and the bad will of the other, the moment arrives when the arbitrator can do no more, and as the problem remains without a peaceful solution, that is, without an agreement to pay, war becomes the only acceptable formula between the two enemy groups, a defensive war on the part of the group to which the murderer belongs, an offensive war on the part of the offended group. Before they know if there is a possibility of a peaceful solution, the men of each group begin to arm themselves quickly; 411 they take animals to town to trade them for guns and equipment, 278 and they quickly make bows and arrows, especially those with a point made from the sting ray which are used in war; they prepare poisons from poisonous animals, which they leave to rot and then use to put on the points of these arrows; and in addition, they seek, if possible, magic arrows in order to obtain an easy conquest of their enemy.

/207 cont./

628 They go fully armed to market gatherings to prevent a possible attack from the other side; this situation, which is also expected by the opposing side, in some cases makes a peaceful settlement impossible, because the Guajiro feels that, being armed, he can violate the law with impunity; he feels it best to arrange things by armed force, and thus an atmosphere of hot-headedness is produced which at times explodes into armed clashes that end in real battles, which worsen the problem and make a legal solution impossible from every point of view, because from these fights new situations of conflict arise which cannot be resolved except on the basis of mutual reprisals that are prolonged over several generations.

When war is declared, wherever two men of the opposing groups meet, they attack each other instantly, because the fight is to the death, and if at the beginning it is the offended group which takes the offensive, from the moment that the fight is on, both sides are constantly in a state of defense and attack. Then men never go out alone but always in well-armed groups, and they try not to pass places frequented by the others, although sometimes they do so to provoke the opposition. Women of each side stop going alone to the wells, but always go escorted; they do not go visiting or looking for fruit or burros lost in the woods, because they could be attacked by the enemy, who spy on them to take them for slaves or to kill them. There is a continual state of upset and uncertainty; any moment they expect an attack from the opposite side, and everywhere they go they expect to meet an enemy or to encounter death. They cannot sleep peacefully because generally the enemy attacks at dawn to take their opponents by surprise and set fire to the dwelling, forcing the women, children, and old men to stay indoors. /208/

Attacks are frequent, and in them some of each side die, with which the enmity gets worse and worse and is carried on for several generations, each of which feels the full weight of the acts done, which naturally increases hate and the idea of vengeance, which they carry out the moment they have a chance.

Distribution of the payment. The amount of a payment depends on the value the culture puts on the offense. When dealing

/208 cont./

628 with the payment for the death of a Guajiro, man or woman, it is generally customary to make it in three installments, which are distributed in this manner; the first immediately after the burial; the second at the exhumation of the remains; and the third a short time later, as the final armistice, which puts an end to the family fights and closes the offense and the period of aggression, which continues until the legal infraction has been effectively purged, that is, until the final payment has been made.

The arbitrator receives the payments from the hand of the principal head of the offender group and takes it to the house of the principal head of the offended group. All the relatives who feel themselves injured by the aggression, their friends, and the informers who have made common cause with them gather there, as do those also who with their economic and social backing have reinforced the position of the injured party in order to enable the securing of the payment.

The arbitrator hands over to the most important family head what has been obtained from the opposite band, making quite clear in the presence of all what he has given, in order to avoid later problems. The distribution begins; usually it is done by the head of the family group, that is, the cacique if he has intervened, or the group head most closely related, that is, the dead man's maternal uncle with the highest position and greatest age. If no one with these two qualifications is present, the mother may carry out this function, but generally she delegates it to her eldest child or her male child. First he gives their part to the closest relatives, and then to the rest of the relatives, to recompense them for their sorrow and in order that what they receive should soothe feelings still bitter against the aggressor. This part is greater than all the rest. The relatives are /considered/ in this order: The mother, to whom they give the marriage necklace belonging to the murderer's mother; the brothers /and sisters? hermanos/ and uncles /and aunts? tios/, when the murdered person is a man, for if it is a woman, children are considered before uncles /and aunts/. Then the arbitrator is given his share, a payment settled beforehand, generally in cattle of good quality and size. Later, in order of

/208 cont./

628 importance, the other participants in the negotiation of the payment get their share, that is, those who reinforced the group with their attendance at the meetings, those /209/ who most impressed the relatives with the intensity of their grief, weeping for the dead and making a great show of their regret for what had happened, and particularly the men of high position who supplied great supporting strength, for one cannot alienate these connections which supply help at a moment's notice. These are given their share for their pain and their tears proportional to their position, so as not to hurt them socially, which would imply an offense and therefore enmity.

A share is also given to those who in a similar distribution had given a portion to those who are now distributing; to these they give in proportion, if not more at least an equal value to that received. And lastly, those who come to jurijonear, that is, to see what they can pick up, are not allowed to leave empty handed.

When no agreement is reached or the offenders do not wish to pay an indemnity, this is obtained by an expedition of war to the lands of the relatives of the offender; the members of this expedition sieze goods and people, after burning and razing all they cannot take and killing all the men they cannot enslave. With the booty taken, they return to the house of the closest relative to carry out the distribution. Generally, the head of this punitive expedition is the closest relative, or the so-called cacique of the family group. They initiate the distribution in a form similar to that already described, handling over in this case in addition to the material goods -- livestock and ornaments -- the slaves captured, whom they distribute in the same proportion as the rest of the booty to the closest relatives, then to distant ones, and then to the participants in the armed attack, according to their status.

The other payments, the second and third, are distributed in the presence of all, favoring the nearest blood relatives and those of higher position with the larger portions.

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628 Long after these payments have been made, sometimes 30 years or more later, some Guajiro groups of relatives have resurrected the family past and with it have remembered the deaths which took place. As a consequence of this renewal of times gone by, some of the present-day descendants, without having known their distant relatives, want to start demands for payment from the descendants, also distant, of the homicide group; and it has happened sometimes that the latter, intimidated, have paid again the debt that their ancestors had already paid to excess. /page 210 blank/

/211/

XIV

LAND

423 With regard to ownership, land in La Guajira Peninsula is divided into three classes: a) land that belongs to the civil and ecclesiastical authorities and to some whites and mestizos, whose ownership is governed by the Colombian code; b) Indian land of clan ownership; c) wasteland. We will study the last two types which are those related to this study.

Clan land. Clan land includes the territories occupied by different groups of relatives and their ownership is determined by oral tradition which indicates the places where their ancestors were established in accordance with legends associated with Mareiwa (Cf. The Clan). However, the lands of each clan are not circumscribed to a particular region but are rather more or less extensive properties spread over various places in the peninsula. A single clan group can have property in Upper La Guajira and in Lower La Guajira and at the same time in different places in each of these, which in great measure has facilitated the gradual dismemberment of the clan. Each portion is subdivided into land suitable for planting crops, grassland for pasturing, woods, and wasteland zones.

[77 cont.]

762 inflicted on the objects which were the principal active agents
768 in carrying out his fatal determination. As the form of suicide
672 that is practiced in La Guajira is almost exclusively that of hanging, they proceed to burn the branch on which the individual hanged himself and the rope which he used, because, they say, these were the direct causes of his death.

With respect to the punishment carried out on the objects
682 (inanimate to us) which served for the carrying out of suicide,
672 several suggestions may be made. In one case, the "compensation payment for blood" may be recalled, the established customary law of this community by means of which whatever spilling of blood that may be caused in any person, voluntary or involuntary, directly or indirectly, has to be paid for in accord-
[698] ance with a valuation decreed by the so-called "arbitrators," or "palabras," who are nothing more than intermediaries named by the family groups affected to settle the affair peacefully. This payment is considerable when the blood spilling ends in the
682 victim's death. Should the murderer refuse to pay the sum ar-
628 ranged for (whether in livestock, necklaces, precious stones, etc.), then the members of the victim's family group take vengeance on him personally and kill him. All this naturally ends in war to the death, or putchi, between the two extended family groups, an occurrence which is extremely frequent in La
682 Guajira. Hence as "compensation payment for blood" cannot
762 be claimed, from these objects (the tree and the rope), they are
672 punished in default by destruction by fire. This hypothesis is reinforced, if we remember that to the Guajiro Indian, as well as
[774] to most primitives, objects — which to us are not alive — are
[778] able to exercise both good and bad influences on the individual (Cf. "Sickness and Medicine" and "Amulets, Fetishes, Talismans"), because they possess a spirit — a kind of mana, or immaterial force, which surrounds and animates everything.

Another suggestion that could be made with respect to the
762 destruction of the objects used by a suicide is the following: As
783 these articles were in direct contact with the dead man, and particularly with a corpse as dangerous as a suicide is, it is necessary that they be destroyed so that the contamination

[109 cont.]

551 say his name and not be a close relative must pay a sum decided upon [110] as reparation for this violation of the social norm. Usually they demand in payment the delivery of several head of livestock, necklaces, and other adornments. If the sum agreed upon by the arbitrators is not paid in due time, war may be provoked.

551 553 When a girl is born, the father gives her a name which may be the same as her mother's, that of her maternal grandmother, or, secondarily, that of a favorite aunt or cousin, or that of a much appreciated friend. But besides this name which is derived from family sentiment or a friendship of the father's, the girl will also have various capricious nicknames which do not necessarily correspond to natural qualities or defects in her psycho-physical personality or some special circumstance at her birth but can be any arbitrary name which may occur to her father, her mother, or her brothers [and sisters? hermanos] on the spur of the moment. So the girl may grow up with several nicknames, of which in the long run one will win out and be generally adopted.

But when the girl becomes a young woman, when her first menstruation appears and her complicated initiation ceremony is carried out, the changes she experiences in her biological functioning and her social standing also extend to the aspect of her name, and she will no longer wish to respond to the nickname by which she has been called ever since her infancy, but only to her new name, by which she will be known until her death.

551 From the above we note that in La Guajira a person's name is not used among the natives except in a very restricted sense, but on the other hand, the nickname which a person acquires when a child through the intervention of his parents or brothers [siblings? hermanos], is the true, the universal name, which may be used by all his countrymen up to the time of his death.

787 825 Omens. When a mountain cat [cougar] cries repeatedly throughout the night near the house and remains a long time prowling about, it implies the approaching death of an inmate of that house. The behavior of this animal can become maddening, as at times it will repeat its patrolling and mewing for several

[112 cont.]

787 Another bird of bad augury is the red owl. If a person
825 who is traveling by night along the road sees one and hears its hoot, this is a signal that a misfortune is about to happen at the spot the walker met the bird or that something will happen to upset him on the road.

If at nightfall the long-drawn out song of the waimpirai is heard, it is an indication that there will be a war between two important clans, or extended families. They say in La Guajira that on a certain occasion, after this omen had occurred, a struggle between two families broke out and 20
[797 members of the Uriyú clan had to take refuge in the convent
628] of Nazaret, defeated by their adversaries who were hunting them down wishing to kill them.

When a hen cackles at daybreak there will surely be a death in the house, particularly when the cackling is repeated on three consecutive days.

312 Natural phenomena in magic. The most important natural
132 phenomenon for the Guajiro is rain, the essential fount for his
133 agriculture and stock grazing and the basis of his present-day economic organization. It is not strange that this is so because if for every community and for living beings in general water is an indispensable element and if many of the divinities and spirits of the primitive Americans center around it, for the Guajiro it is infinitely more essential if we take into consideration the geographical milieu in which he lives and to which we have referred, perhaps insistently, in this work as we consider it of vital importance (cf. "Introduction"). In the whole area there is no river or stream of importance. The soil has a maximum permeability and has to withstand high temperatures; [113] and as the Guajiro have no practical knowledge of the conservation and distribution of rain water, they always live dependent on the winter season for sowing their crops. For
789 this reason many acts of magic have this end in view, but as this aspect will be better understood in the chapter on "Mareiwa and Wanurú," or notions of good and evil, we will confine ourselves in this section to noting some magic acts related to rainfall and to other natural phenomena.

789 The intervention of the shaman, which we have lost
* 756 sight of since the second chapter when we described at length his personality and attributes, returns again to participate in

[123 cont.]

796 aspects: 1) it shows ability in theatrical representations; 2) dancing, such as we have described in previous paragraphs, accompanied by songs; 3) a very interesting sexual aspect, in which the cultural patterns which govern Guajiro society are [786] broken, permitting the possibility of a certain sexual freedom without the consequences attached to such in normal times. We will begin with this last aspect, leaving for later a discussion of what their songs, plays, or drama really are.

796 Sexual aspect. a) The man, when the moment for dancing 786 arrives, takes a partner who usually accompanies him on every evening of the dance. When they end by liking each other, as a result of dancing together, the couples leave the dancing group and withdraw to the forest to satisfy their sexual desires.

684 In normal times in the community this act would lead to 628 outbreaks of fighting in which the clans of the two participants would clash. The man would be summoned and would be under an obligation to pay a large sum for the harm done and a further sum for the dangers and pains of childbirth in case of pregnancy; or he would find himself obliged to buy the woman for wife in reparation for the fault he had committed. In case he failed to comply with one of these requirements, vengeance and war would follow. But none of this happens during this time of fiesta.

796 If a man who has been with a woman during these nights of 786 dancing (which can go on for three or four months) cares to take her as his wife, he must pay for her the price arranged with her relatives, but if he does not want to do this, his total obligation [731] is limited to a present of a robe. She on her part will give him a similar gift or simply a belt for his loincloth. Afterward they do not meet each other except on casual occasions.

Furthermore, if, owing to intimacies during the dance between unmarried couples, a child should be born, the father has [848] no responsibility toward it or to the girl's relatives. The child is accepted by the girl's family; it is not looked down on, and it participates under conditions of equality with the legitimate heirs in all the duties and rights of the other members of the family group.

[127 cont.]
representation of the re-creation of the universe, the resurgence of nature that changes and disappears, to reappear later.

In large part, this could explain the whole of the fiesta. In reality what in La Guajira is being celebrated under the name of the Dance of the Kid is nothing but a true re-creation of the world of the natives of those barren plains. With the arrival of the rains the sea of sand is converted into a green world, the dry beds of the streams become powerful streams of water, the dry brushwood is transformed into green forest, anxiety over thirst disappears, fatigue from sun and desert is changed to rest, hunger to abundance, and worry to hope in the ripening of fruits and the disappearance of the specter of poverty which prowls the sierras and the plains. It is Marciwa, their divinity, their good spirit, who has made his apparition over the lakes of the Sierra de Nevada, unleashing storms and hurricanes and bringing the promised rains to his creatures.

But, on the other hand, the sexual acts we have just shown to be present at this traditional fiesta of La Guajira should be treated apart as they represent a transgression of the established rigid and severe cultural patterns that refer to carnal relations between men and women. As the general interpretation of the whole of the Guajiro community has not yet been finished, which could give us sufficient data to carry out necesary clarifications, we shall have to limit ourselves to noting certain outstanding facts.

Unmarried men and women in La Guajira, when looked at in its normal state, are subject to rigorous restrictions in their sex life. Sexual intercourse before marriage is not allowed to their women as the men want their spouses to be virgin. The bachelor is limited in the satisfaction of his sexual impulses by the law of compensation payment, which forces him in the case of his having relations with an unmarried girl to pay a heavy indemnity by which is covered the harm done to the woman, the offense [128] to her relatives, and the possible pains and dangers of childbirth when pregnancy occurs. And if these impositions are not complied with or if the Indian does not marry the girl, paying the price her relatives demand, revenge and declaration

[128 cont.]
of war to the death will result between the clans affected.

One has to take into account the fact that a woman who has been bought for wife is relatively valuable, and the native is not always in a position to accumulate the number of animals sufficient to pay for her, although it is considered an obligation on the part of his relatives to assist him when the time for his marriage arrives. As prostitution is so limited because of the condition of inferiority in which it places the woman who traffics in sex, the situation of the unmarried male in this respect is difficult. We repeat again that we make this statement on the basis of the facts of La Guajira social customs in normal times, and not on the basis of the present period when they are suffering from ever increasing problems of hunger, poverty, and acculturation, phenomena which are overthrowing all their traditional institutions.

Presenting the question in these terms, one can appreciate the trying position of the bachelor Guajiro native who is without slaves and without economic resources to enable him to buy a wife. He lives within a regimen of limitations and restrictions which reach even to sexual taboos which can be divided into two clases: special cases, especially applicable to the sex life of shamans, as we have seen; and general cases, applicable to the whole community and which go to the extreme of provoking curious euphemisms in the language when the word for the genital organ is phonetically similar to some other word, as in the case with the word for dog.

These restrictions must be considered in the totality of the social norms,* but this is not the moment to expound on them as they will be fully covered in this review as an interpretation of the whole of Guajiro society. However, we wish to point out their presence in the Dance of the Kid, or better said their absence, since, as we have said, these restrictions disappear, and there is complete sexual freedom which permits the minstrel to caress the young maids on the pretext of deciding their virginity or loss of it, a thing that in normal times would not be permitted, and to go to the extreme of countenancing carnal union without economic or social consequences, the only

4: Petrullo E-5 (1935) 1937
SC13 Guajiro SC13

the men speak some Spanish in addition to their native language. Some of them know how to read and write. They are almost entirely pastoral, possessing great herds of horses, asses, sheep, goats, and cattle. They have borrowed a great deal from the Europeans but they have also kept their own culture to a remarkable degree. As usual, native elements are most strongly present in the non-material phases of culture. Unfortunately they are not united or organized into a modern state, though against all foreigners they stand together as a unit. Authority is acquired by certain caciques through their wealth and membership in the 'casta,' the major social grouping in Guajiro society. Each casta claims a mythological origin and holds sovereignty over a well-defined territory. Many of these castas or social groupings are further subdivided. Each casta has its caciques whose function is chiefly to settle disputes and whose position is inherited, matrilineally. The oldest of them is allowed more authority, but generally it is the wealthiest man, and the one who can marshal more retainers, armed with rifles and revolvers, who is listened to with greater respect. There are further divisions in Guajiro society. At the top are the caciques and their families who are rich and powerful. The next group is composed of peons or retainers in the service of the upper stratum, and at the bottom are the 'slaves' who have been born in that condition or have been enslaved following an offense to some powerful group, and who can even be let out to work for planters in the sugar fields of Zulia. The life of the poor people has not changed much since early times. Polygamy is widely practised, as is also concubinage, by the wealthier men. Each wife lives in her own rancho and there awaits the occasional visit of her husband. The children inherit property and social affiliations through the mother. Disputes that arise within a casta are settled by arbiters chosen by the families of the litigants. Disputes inter-casta may be settled by arbitration if violence is not desirable. Generally the killing of an individual gives rise to armed action with an eventual composition by payment.

My informants attempted to demonstrate the difference be-

4: Petrullo E-5 (1935) 1937
SC13 Goajiro SC13

father's relatives who would eat the meat and drink the rum immediately, a feast to which the mother's relatives might be invited as a gesture of courtesy. The offering of rum and meat is voluntary, and even a friend may ask for something as an indication of deep personal interest in the welfare of the injured person. If the injured man makes no offering, no action is taken by anyone to make him do so, but he will acquire a 'bad name.' A Guajiro has a moral obligation to avoid shedding his own blood, but not a legal obligation. Since the father takes care of his son during his lifetime, this obligation is directed towards him and his relatives, but is extended to include any good friend.

Another example of the same distinction is the case where a son asks his father for a particular horse or object possessed by the latter, as a gift. The father is morally bound to grant the request, but there is no legal compulsion to do so. I gave a cacique a fine hunting knife which pleased him greatly. To my surprise his son was proudly wearing it the following day. On inquiring about it the cacique told me that his eldest son had asked for it. Had he refused to give it he would have been considered a bad father. The son inherits nothing from his father on the death of the latter, but while he is alive the son may beg anything within certain limits set by precedent. This moral obligation to give up a prized possession when asked for by one's sons is extended to include close friends.

Allowing the Guajiro to make their own distinctions, let us turn to a consideration of their 'laws.' The commission of certain acts, which in our society would give rise to criminal prosecution, in Guajiro society are considered matters to be settled by the parties concerned. Criminal law is practically non-existent. There is no body politic, properly speaking, that metes out punishment whether or not the injured party seeks redress, and social pressure can hardly be of any importance in a society that protects the individual through the instrument of family and casta membership. In only one case does there seem to be an approach to concerted social action. If an individual has caused his family much trouble and is incorrigible, if his family has been called upon to pay for his mis-

4: Petrullo E-5 (1935) 1937
SC13 Goajiro SC13

628 672 681 deeds frequently, and fears that he may bring severe disaster on his relatives, he may be killed. It is interesting to know that the individual may not necessarily be evil-intentioned.

672 We are accustomed to think that for an act of trespass on the person or property the injured party can recover only if the act is considered to have been intentional or negligent.[6] Among the Guajiro there is no such qualification of a tort in order to allow legal action and to recognize legal liability. The act and the injury ensuing from it are the only considerations which have any importance.

628 672 683 *Case I:* Three boys, A, B, and C, close friends, were seated on a log in the order named. B held a knife in his hand. In the spirit of play A and C attempted to take it away from him. In the good-natured scuffle that ensued A was slashed across the thigh accidentally.

The families of A, the injured party, and of B were on friendly terms. B's family immediately offered payment for the hurt done to A. Each family chose an arbiter, men known for their knowledge of law and their fairness, who granted A's family payment commensurate with the social position of A and the ability of B's family to pay: 60 sheep, 1 bull, 1 ass, a gold necklace, a horse.

628 672 682 *Case II:* Cacique A killed Cacique B through the accidental discharge of a firearm. Their families belonged to the same casta, and both being anxious to avoid armed conflict B's family agreed to accept a property composition for the tort: 100 cows, 100 horses, 7 mules, 1,000 sheep.

Case III: Cacique A killed Cacique B in a quarrel. Both families being desirous of keeping the peace and both being members of the same casta, property composition was arranged.

554 628 672 682 This case would obviously fall within the class of crimes in our society and A would have been punished irrespective of the attitude of B's family. As a matter of fact, had B's family been less important or had it belonged to the peon or slave class, A's family may not have paid anything. On the other hand had A been a peon or slave, his family would have suffered extermination at the hands of B's relatives. A's family

4: Petrullo E-5 (1935) 1937
SC13 Goajiro SC13

could not have paid the price in the first place, and besides B's family would have little to fear from them.

The father and maternal uncle of the slain man take the initiative in seeking payment which goes to the mother's family.

If A and B had been workmen or retainers of C, a cacique, and A's family could not have paid the price of composition, then C would have paid B's family and in compensation would have enslaved A and his family. Payment for killing a peon is 10 asses, 50 to 100 sheep, and 10 steers.

Case IV: A was working for B. In the course of the work through no fault of B, A was hurt. B paid A's family for the injury. A's family took care of A.

Case V: A and B were working for C. Through accident B hurt A. B's family had to settle the injury with A's family. Had A been hurt in the course of the work without B acting as the instrument, then C, the employer, would have had to pay.

This case is similar to the one described by Simons. If A lends a horse to B and B is hurt through the instrumentality of the horse, A has to pay. If A gives rum to B and B injures C, A is held responsible.

Case VI: A wants to marry B. B or B's family reject his suit. A goes to B's rancho at night and commits suicide there B's family has to pay A's family for the death of A, B being considered as the direct instrument that caused A's death.

Case VII: A injures or kills B, caught *in flagrante delicto* with A's wife. A has to pay B's family a price minus an amount considered fair value for the sexual privilege that B exercised on A's wife.

These illustrations point to the absolute nature of Guajiro law. No extenuating circumstances are allowed to enter into settlement of cases of battery or other trespass on the rights of an individual. The case is different in so far as public sympathy and moral censure or approbation are concerned. Furthermore, society as a whole takes no action in righting wrongs. The family of the injured person must seek composition, and if it is not powerful enough to demand a high price it has to be satisfied with a smaller one. Conversely, there is

4: Petrullo E-5 (1935) 1937
SC13 Goajiro SC13

672 family responsibility for the acts of one of its members. If
628 there is no property composition for a tort committed and the injured family has recourse to arms, the revenge that it may take is limited by precedent. If the family is very powerful
[626] it may dispense with that, but public moral reprobation is a strong barrier to excesses.

NOTES

121 1. J. Austin and T. E. Holland restrict the term Law to those rules which a fully organized state recognizes and enforces. I.e., T. E. Holland: 'A law, in the proper sense of the term, is a general rule of human action, taking cognizance only of external acts, enforced by a determinate authority, which authority is human, and among human authorities, is that which is paramount in a political society.' (See Bibliography.)

2. Rivet, Durkheim, Hartland, and Hobhouse express this position.

3. Radcliffe-Brown, 202.

4. See Malinowski in Hogbin.

114 5. From my field notes gathered in 1935. The Columbia University—University Museum Guajiro Expedition spent three months in the peninsula making an ethnological and archæological survey. The other members of the expedition were: Dr. Paul Kirchhoff; Mr. Lewis Korn and Mrs. Gwyneth Browne Harrington, archæologists; Miss Lydia C. du Pont, photographer; Señor Gregorio Hernandez de Alba, a Colombian student.

6. See Bohlen.

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5: Simons K-5 (ca. 1882) 1885
SC13 Goajiro SC13

the site of the old Spanish settlement San Juan de Ipapa. On the west side of the Parashi Hills in the plains is another well-known central trading station Joroy; chief, Majuté, an Ipuana; probably near the old site of the Spanish settlement Moscota. In the neighbourhood are: Guarirpanturi; chief, Conoón, an Ipuana. A Dutchman from Aruba has lived here many years, and has become quite an Indian. Alpiapé, a few ranchos on an eminence commanding the whole valley. The Indians here are rather mixed, but the chief is a Pushaina. The well Kapanlora, at the base of the hill, is the finest I saw, and surrounded with rich green vegetation similar to that of Macuira. Katunasió, the most inland station. It is generally the traders that make a rancho known, for the Indians do everything they can to keep their abodes, if not secret, at any rate as much in the dark as possible. The plains being more unsettled than the mountain district, traders do not venture to establish themselves in the interior, as at Morunay or Joroy, so few ranchos are known. The most important place in the Lower Goajira is Guinoua, midway between Riohacha and the Venezuelan town of Las Guardias or Santa Teresa. Paraguaipon, the new Venezuelan military colony, founded in 1882, counts already 50 houses. It is situated in the plains 12 miles in advance of Santa Teresa, which it completely covers. The garrison at present consists of 30 men, well mounted and found in every respect, under the orders of a commander, two secretaries, and two interpreters; the latter for the purpose of taking statistics as to trade, &c. Altogether it is a model establishment, and does honour to the Government of Venezuela. The entire population of the Goajira may be about 20,000; it does not exceed 25,000, and is not increasing.

As regards manners and customs and the way they enforce their old peculiar laws, these Goajiros are particularly interesting. Of course, like all Indians, they are singularly proficient in begging, stealing, and drinking, but besides these capital vices they add a fourth, that is demanding compensation, tear- or blood-money—principal cause of all the strife and blood feuds between the castes, and an everlasting danger to Indians and strangers alike. Whereas about one-quarter of the male population die a violent death from its result, another quarter are killed by drink and its effects. The laws that govern these compensation cases are very intricate, their number is legion. First is the terrible law of retribution, that makes a whole caste responsible for the acts of any single member. As the Spaniards or white men are considered by the Indians as belonging to one large family, the country is very unsafe for travelling, for every white man is a sort of hostage for the good behaviour of the others. If an Indian should be killed in a quarrel by a white man, the life of another white man, living leagues away, depends upon whether the foe (relations of the dead Indian) or a friend brings the news first. Many an innocent unconscious trader has been sacrificed at one end of the peninsula for a foul murder committed at the other end.

5: Simons K-5 (ca. 1882) 1885
SC13 Goajiro SC13

611 614 628 [604] In the following laws it must be borne in mind that it is not the injured individual that demands compensation, but his relations, uncles on the mother's side as a rule. From this has arisen the common error that the father is ignored; as will be seen further on, this is not the case. In compensation it is the caste that reclaims, and the caste is always the mother's side. For example, a Pushaina man marries an Uriana girl; the children are Urianas. If one of these now should kill an Epieyu, for example, the whole caste of Uriana is at war with all the Epieyues, unless the matter is amicably settled by paying blood-money.

672 683 [572] Case No. 1. Personally inflicted wounds. If an Indian accidentally cuts himself, say with his own knife, breaks a limb, or otherwise does himself an injury, his family on the mother's side immediately demands blood-money. Being of their blood, he is not allowed to spill it without paying for it. The father's relations demand tear-money, not so much. Friends present demand compensation to repay their sorrow at seeing a friend in pain. If anybody present can seize the instrument that caused the accident it is appropriated. The pay is in ratio to the injury. A slightly cut finger is settled with a little Indian corn, a kid, or such trifle. A bad cut requires at least a goat or a sheep, with other sundries. In all cases of compensation where the Indian has not the wherewith to satisfy his creditors, he goes round begging until it is obtained.

628 672 683 Case No. 2. Damage done by animals. Suppose an Indian borrows a mule or other animal, and is thrown by it, doing himself bodily injury, then his relations demand compensation from the lender, the argument being, had he not lent the animal the accident could not have happened. Should the beast belong to the thrown man himself, then he has to pay. Case of No. 1 in fact.

[466] Case No. 3. General liability all round. This covers an enormous field. The most curious. Everybody selling rum or anything else is answerable for all the damage done by its instrumentality. Unfortunately this law is only, like many others, enforced when it is possible. As the traders know it very well, they never take rum into the interior for barter without being fully able to protect themselves. I was lent a servant as guide by a trader, who requested me not to let the man have any drink, for should anything happen to him he would be responsible to the family. Indians in employment receiving any damage the employer becomes liable; and so on. Wherever the Indian can only make the ghost of a claim he wants tear-money, blood-money, or some other money, and if not satisfied, helps himself with what he can lay his hands on.

551 628 689 Case No. 4. Mentioning names. This is very serious. The Indians object to have their true names mentioned, and demand heavy compensation in aggravated cases. They generally go by a Spanish name—José Antonio, Agustin, Vicente, &c., for an Indian dearly loves to be baptised, that is, he likes the attending feast and having god-fathers on

5: Simons K-5 (ca. 1882) 1885
SC13 Goajiro SC13

whom to exercise his begging propensities. To mention the dead before the relations is a dreadful offence, often punished by death; for if it happens in the dead person's rancho, with nephew or uncle present, they will assuredly kill the offender on the spot if possible. If not on the spur of the moment, it resolves itself into a heavy fine, usually two or more oxen. Even if none of the dead person's relations are present, any friend can carry the news to the relations, and compensation is at once required. When not given it is forcibly taken, probably resented, and the two castes are at war. It is not wise to mention names of any sort in the Goajira in mixed company. 551 628 689

Another peculiar case: if a child dies in the custody of the mother or father, and they are living separate at the time of its death, then tear-money has to be paid by the one, under whose care the child died, to the other. This is "Taguira suchírua tachón," "My tears on account of my child." To demand payment for debts, *achecaha*, is one thing, and to demand compensation, *manga*, is another. They are generally pretty punctual in paying debts; should the debtor die, the creditor is secure, for the relations will suffer anything rather than allow the name of their dead to be abused. The following case of murder I witnessed in Ataipa. Some Pushaimas drinking, one got on to a strange horse, and was ordered off by the owner, on not complying he was shot dead. Both parties being poor and near relations, it was arranged as follows: First payment, eight sheep, two oxen, one horse, two necklaces of cornelian beads, two sirapos of black beads (about 16 lbs.). Six months afterwards, second payment, similar to first. A few months after a third payment is asked, but is more an extra than anything else. After second payment all animosity ceases, and the two families can look again at each other on meeting. Should an Indian in attempting to kill another be wounded or killed, his family demand the same as though no attempt were made. 672 682 [426] [626] [628]

Among domestic customs, the one that calls most attention is shutting up their young girls on arriving at womanhood. The custom is religiously carried out throughout the country. Each girl is enclosed in a separate little hut by herself. She is stripped of all her ornaments, even to her beads and sirapo, and all her clothing with the exception of the long loose cotton gown, nor is she allowed to cut her hair. For the first couple of days, drinking water is denied her, the only food being *haguape*, a composition of medicinal herbs. According to birth, a rigorous diet is observed the first month, no meat being allowed. She can be freely mentioned and is merely alluded to by her relations as "surtiso suru pauru," "she is shut up in her house." The term of retirement varies according to the wealth and rank of her family. Poor people cannot afford to keep girls idle more than a couple of weeks or a month; whereas the rich enclose them for one, two, or even four years. It is while in this state that she learns all women's requirements— 881 [278] [262] [556] [868]

7:Bolinder T-5 (1920, 1955) 1957
SC13 Goajiro SC13

One day we met three slave-workers. They were sitting on a hillside gnawing at roast goat's feet. Talking with them we discovered that they had to serve their master without wages. Must they do so all their lives? we asked. Perhaps not, but they were bound to work for him till certain debts and obligations had been paid off, and these seemed very complicated and vague. 567

The real slaves for life are the prisoners taken in war. Thus there are various forms of slavery in Guajira. It is, of course, an ancient phenomenon, of which the whites would seem to have taken advantage rather than to have combatted. [72?]

Slavery is a form of punishment. Formerly it was only conquered people and prisoners of war who were kept as slaves. This was usual among several Indian peoples, especially the Aruaks, to which group the Guajiro belong. With them slavery has been systematized. [97]

Let us see how it is that someone becomes a slave. If an Indian has been insulted or killed, his clan demands compensation. If this is not paid, war breaks out between the two clans and those taken prisoner are treated as slaves without further ado. The Indians, however, never begin a war for the purpose of obtaining slaves. The slaves are reckoned as part of the damages, and they and the possessions of the conquered are divided among the victors according to certain principles. The eldest maternal uncle, mother, nephew, brothers and the leader of the fighting are entitled to damages; and if there is enough, the leader of the warriors will usually distribute some of the booty to his nearest relatives, mother, sisters, and maternal aunts. All the property of the enslaved prisoners-of-war passes into the hands of the victors: their pastures, water-holes, cattle, utensils, clothing, ornaments. 628 ● 567

Slaves are the property of their masters, who can do with them as they see fit; sell them, give them away, kill them or use their labour and, if they are women, have intercourse with them as they may desire. The same goes for the men, if their master is a homosexual, as is not unusual in Guajira. The owner's unmarried sons or nephews also con- 567 [838]

7:Bolinder T-5 (1920, 1955) 1957
SC13 Goajiro SC13

which occasioned her becoming a slave-worker, and then pay a bride-price to her family. The girl becomes free and, of course, her child is born free.

Real slaves are those taken in war. Nowadays they seldom take men or boys prisoner, but prefer to kill them instead. Otherwise there is always a risk that eventually they will try to avenge themselves. Women and girls are mostly spared and made slaves. Civil strife is common, and the Macuira Hills were no more peaceful than other areas, but the Indians were reluctant to harm the monks, though on occasion even they became involved.

One day a violent feud broke out between two clans. The chief of one clan himself led the fighting and had determined that the enemy was to be utterly exterminated. The battle raged quite close to the mission. To be anywhere near the Indians when they are fighting is dangerous, for those with rifles are seldom able to shoot and stray bullets fly everywhere. Poisoned arrows are also in the air, but they are better aimed and do not travel so far.

One day the monks heard that this chief had captured a couple of boys of the enemy clan and had ordered that they should be burned alive. The boys were reported to have been tied to a tree, round which a large fire had been lit, after which the chief's men had gone away, leaving the boys to their fate. Two of the monks set off at once for the tree. As they hurried along rain began to fall and they hoped that that might put the fire out and so save the boys' lives. When they arrived, however, one of the boys was already dead, having been suffocated by the smoke. The other was still alive and the monks carried him back with them, though they scarcely expected him to survive, for he was very badly burned. It seems pointless and cruel to kill little boys, but the Indians were afraid that, if they spared them, they would take vengeance later; thus, when they heard what had happened, they sent a message saying that the monks must hand the boy over.

The monks replied that the boy was dead. That was the only way of saving his life—if it could be saved. He died during the night, however, and was buried in the mission's

7:Bolinder T-5 (1920, 1955) 1957
SC13 Goajiro SC13

garden. In the morning the Indians came and demanded the body. The monks refused, not wishing to lend themselves to violation of the dead, and said that they would only treat with the chief. He, however, was not in the vicinity. The Indians threatened to burn the mission station. Fortunately the chief arrived at this juncture, and told his braves that they must not use violence against the monks.

'Never to kill and just to rescue those condemned to death as you do, does not fit in with our laws,' he said to the monks. 'You Capuchins lack any sense of reality. But I shall do you no harm, since you never harm others.'

It sometimes happens that the victor instead of killing his male prisoners will sell them as slaves to the white men, preferably to places at some distance from the peninsula, such as the Dutch islands of Aruba and Curaçao, Zulia in Venezuela, or the Magdalena department of Colombia. The Indians deal in slaves among themselves; they also sell them to the white men and these, too, traffic in them among themselves.

Legally, a slave sold to a white person should become free, but in reality the owner of the *hacienda* treats him as a serf, branding his own mark on him, depriving him of his clan name and giving him his own. To sell a prisoner into slavery is not always to hear the last of him; for some have escaped from the Dutch islands, stowing away on boats, and on their return have exacted vengeance. It is not easy for hacienda slaves to escape. They are often hunted like animals.

There was a considerable sale of young girls to the whites, a scandalous traffic. In Indian territory this was mainly in the hands of quasi-chiefs, generally mestizos and other half-breeds with no right to the title, who cleverly saw how to exploit the Guajiro laws to earn a lot of money. The Guajiro customary law was never intended to apply to export.

The monks were the chief opponents of the slave-traffic. They received a special grant from the government of Colombia to enable them to purchase the freedom of slave children. The white men made no distinction between slave

7:Bolinder T-5 (1920, 1955) 1957
SC13 Goajiro SC13

I have had to anticipate to tell how the secret of the arrows' effect was discovered. Let me now go back to where we were sitting on our stools talking with the Indians. It was late in the day and Francisco suggested that we should stay the night and go on at daybreak to another place where lived some prosperous Indians who had many materials and earthenware vessels. They had hammocks that we could borrow. It was a good suggestion and our hosts were more than agreeable. They wanted to vacate one of their huts, but we preferred to sleep in one of their open sheds. It was cool and, being tired, we fell asleep while the Indians were still sitting round the fire.

We were awakened by plaintive singing. It was still night. The Guajiro are excessively early risers. In the tropics you become accustomed to getting up at daybreak, but there on the peninsula everybody woke at three o'clock, when there were still a couple of hours of darkness left. Three o'clock was even a suitable visiting-hour. They liked to take advantage of the coolest part of the day, which was from three to six in the morning. The singing came from the big hut beside us. It was followed by a spoken rigmarole. The whole was as dreary as a funeral mass, and the voice was an old woman's. I discovered that it was a sort of pagan morning prayer for the children, used all over Guajira, in which an old woman recalled the memory of departed relations. If any of these had been killed and left unavenged, she would not neglect to remind the children of the fact and point out the guilty person. It ended with yet another wailing song.

What the old woman told them about their ancestors and injuries received was impressed upon the children's minds by hearing it repeated every morning in this way. Thus is a blood feud perpetuated from generation to generation.

We made ourselves porridge and took our departure as day was breaking, Then we tramped on through the sand to the next rancheria. There only the women were at home, but as it is the women who make the things we wished to see, that suited us quite well. The huts were larger than

7:Bolinder T-5 (1920, 1955) 1957
SC13 Goajiro SC13

CHAPTER 7

Laws with No Tablets

As we were riding through a parched and savage landscape we saw at a distance a number of mounted warriors divided into two groups, which were drawn up in semi-circles facing each other. We thought there must be some ceremony in progress and wanted to ride across. They were all magnificently got up and armed to the teeth with bows, arrows and guns. Our Indian guide stopped us.

'Be careful! Be careful! That is a *purchi!*'

We knew what that meant. A dispute had arisen between two clans, through someone having been offended, robbed or perhaps killed. The victim's family had asked for help and the matter was now to be settled at a meeting with the offender's clan. Damages would be demanded and paid, or there would be a fight—the start of a blood-feud. One should be careful not to get involved in that sort of thing.

These Indians have no police, no authority that dispenses justice; they have to judge and settle matters themselves with the help of their families, yet in accordance with their laws. These are curious, detailed and logical. They are, of course, unwritten, mere customary rights, but they are strictly observed and applied with the utmost consistence. Before we crossed into Indian territory, the Creoles had urged us to make ourselves acquainted with the Indians' laws, as otherwise we could get into trouble quite unwittingly.

Soon after seeing the purchi we met the region's most powerful chief, Mauana. We were on our way to a small rancho, when we caught sight of some Indians working on a cactus fence. We wanted to film them, and had just got

7:Bolinder T-5 (1920, 1955) 1957
SC13 Goajiro SC13

usually lasted. Here, of course, the girl's family had power and the means to check that all was well. In such marriages the husband was considered liable to provide the household equipment, as well as paying a bride-price.

If a Creole marries a Guajiro girl according to the Catholic rites there are all sorts of complications, even if he has paid the bride-price, for the European concept of the father's rights conflicts with the Indian matriarchal law. Problems of relationship and inheritance, the separation of the child from its clan and many other things all provide problems which cause the bride's family a lot of trouble. But that is enough about Indian marriage.

Since all members of a clan are of the same blood, the Indians consider themselves justified in wreaking vengeance on a near relative, if they are unable to lay hands on the actual culprit. This can give rise to a whole chain of acts of vengeance, a real vendetta. In the old days all white people were held to be of one clan, and so the Indians thought that they could avenge an injury inflicted by a white person on the first member of his clan they came across. 'To travel in Guajira is like sitting on a keg of gunpower beside a fire; you are afraid the whole time that a spark will cause a catastrophe', was what used to be said.

Guajiro law always tries to find a scapegoat, and one must remember that when having any dealings with the Indians. If I take a man into my service or merely send him on an errand, I am responsible if anything happens to him and for anything he himself may do to others all the time his mission lasts.

A mother sent her little girl on a donkey to fetch water. The girl took a playmate up on the saddle beside her. The other little girl fell off and hurt herself quite slightly, yet the family had to pay considerable damages.

A mestizo family, receiving unexpected visitors, took an Indian girl to help in the kitchen. The girl cut her finger and her family demanded compensation. After all blood had been shed. The girl was of humble family and thus no large sum could be claimed, yet according to our ideas what had to be paid was a very great deal for a mere cut:

7:Bolinder T-5 (1920, 1955) 1957
SC13 Goajiro SC13

551 idea being that to speak the name renews the grief of the
683 dead person's relatives. An old man of the Uriana clan, who called himself Juan, died. Some time later some of his relatives were at an entertainment, at which too was a woman of the Jusuá clan with her little son. A Creole asked this woman what her little boy was called and without thinking, she replied: 'Juan'. The dead man's relatives then claimed damages because she had mentioned the dead man's name, and she had to pay them a bullock, even though it was a Spanish name. It was the reminder of their grief that had
[164] to be compensated. It is also an offence to tread on an Indian's grave.

683 It is more expensive to strike a person than to insult him. One should not answer an insult with a blow, but a well-to-do Indian will not infrequently do so and gladly pay the damages. If an Indian strikes another without hurting him, he must pay nonetheless, because he has treated the other as a slave—it being only one's own slaves that one has the right to strike. If anyone tears a tunic, he must not only
685 replace it, but pay for the shame the other felt at going about in rags.

A thief, if caught, must repay several times the value of what he has stolen. Not infrequently he must pay with his life, especially if the person he has robbed is a powerful personage, as he usually is, and the thief belongs to a weak clan that cannot help his family to exact blood-money.

[567] A thief can be forced to pay by working for his victim. He
682 becomes a debtor-slave. Murder, manslaughter and being the cause of another's death are the most serious crimes. They do not have these actual categories. The penalty for manslaughter is very heavy; if agreement cannot be reached on it, it can sometimes lead to war, a war in which the enemy must either be exterminated or enslaved.

628 It is on such occasions that a purchi is held, at which you can see the groups of warriors drawn up facing each other, while a chief presides.

622 The chief is a mighty person and will have been chosen
623 for his excellent qualities, yet he is not a judge, but rather advocate and mediator. His role is as conciliator. He will

7:Bolinder T-5 (1920, 1955) 1957
SC13 Goajiro SC13

already have talked with both parties and know their points of view. One can imagine what takes place. The killer's family wishing an amicable settlement: 'It is best that we do not begin a war, brothers,' says their leader. He offers reasonable compensation, paints a picture of the horrors of war, the continual fear of attack, the burning houses, the women violated and enslaved, the blood-feud continuing from generation to generation, and, by way of contrast, describes the calm of peaceful work.

The other side are spoiling for a fight. 'I am rich and need no damages. My men are brave and prepared for a fight. I wish that we measure our strength.'

If a settlement is not arrived at, a fresh meeting is arranged, and meanwhile there is a state of latent war. Even if a fine is agreed upon, peace is not restored until the fine has actually been paid. This is probably done in stages, and that is why the Creoles say that the Indians can kill each other on the instalment system.

To bring about another's death, whether intentionally or unintentionally, has grave consequences for the person responsible. The fine that has to be paid is often ruinous. The homicide becomes indebted to his relatives who have to help him pay. Also, for magical reasons, he has to submit to a lengthy period of isolation and to certain restrictions which prevent him attending to his affairs and make him endure certain privations.

If a white man has killed an Indian, he should try to get to safety outside the peninsula, because even if he pays a fine for manslaughter, the Indians will seek his life. Three white men must die for each Indian killed, according to the old rule. They long insisted on regarding all white people as being of the one clan, though nowadays they know that they are split up into different peoples. They would now never dare extend vengeance for an injury inflicted by a native mulatto to, say, a fair-haired foreigner from the north.

The foregoing are but a few points of Guajiro law which is really much more complicated than these would make it appear. The law ought really to be the same for all, but

8:Armstrong & Métraux E-4 (no date) 1948
SC13 Goajiro SC13

622 Chiefs are polygynous and have many daughters, for
595 whom very high bride prices are paid—sometimes thousands of animals,
583 worth $6,000 to $10,000. Such rich chiefs take great pride in their
556 daughters, dressing them in fine silken robes and necklaces of gold and pearls and providing them with personal servants.

567 There is a class of slaves who are beneath the chiefs' retainers in the social hierarchy. It consists of people born into this status and of captives.

PROPERTY

422 All cattle, though individually owned, belong in theory to the local group as a whole and are worked for the common benefit of all. For example, the cattle paid as a bride price when a girl marries within her own sib go to a new owner, but the milk, butter, cheese, and hides from them continue to be shared by everyone in the sib. When a woman receives cattle as a bride price for her daughter any new stock born to them belongs to the daughter's husband and his sons, and when the animals are rounded up for the annual branding each son is allowed to brand a certain number of them.

ETIQUETTE

576 The *Goajiro* are in general unfriendly to strangers but have a well-
574 established code of hospitality. Strangers calling at a house must wait until invited in. Inside a house a bowl of chicha or rum (coffee when available) is the first gift offered the visitor, who is thereafter given a hammock and treated as a member of the family. A special feast may
[565] be arranged if there are many guests. A guest of high rank is feasted, and some of the young girls of the house may be placed at his disposal.

LAW AND ORDER

627 The chiefs have little power outside their own local group, where they settle minor disputes. The solution of many disputes and transgressions of custom are left to the parties concerned. The laws of group respon-
● 628 sibility and group retaliation lead to frequent intertribal feuds. A person
614 without a strong sib to protect him is helpless, for others may use any act which may conceivably be interpreted as harmful as pretext for demanding indemnity. For example, a person injured while intoxicated may demand payment from the person who sold him the rum, or a person injured by a borrowed animal may demand payment from the owner of the animal; a thief who hurts himself when trespassing on the property of his intended victim will demand compensation of him; and anyone aiding a sick or wounded person who subsequently dies incurs a liability.

672 If a person injures himself he must make an expiatory gift to the members of his own sib and a lesser gift to his father's relatives. If a child dies when under the care of one parent, this parent must reimburse

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SC13 Goajiro SC13

the other. Many other cases indicate the absolute nature of *Goajiro* law 672
and the refusal to recognize extenuating circumstances.

Murder is a very serious crime, and the victim's family immediately 682
demands blood money to the amount of 200 or more cattle. For failure 628
to pay, a member of the murderer's sib of the same rank as the victim must forfeit his life. If payment is not forthcoming retaliatory raids are made. As the defenders generally lose more people than the attackers, the feud may continue indefinitely until all the members of one sib will consider themselves at war with the members of the other, thereby spreading the war throughout the peninsula. If a feud should develop between the sib of the husband and that of the wife, the latter, with her children, will return to her own group until the trouble is over.

A person who has received a deadly insult from another is baited and 683
chided until he takes revenge by killing the offender, in proof of which he removes the victim's viscera and takes them home. This act also prevents the victim's soul from bothering him. If unable to accomplish this he may commit suicide. Suicide is also sometimes a means of venge- 762
ance, a person feeling that he will suffer less than those who caused him to commit the act. Thus a wife who is not allowed enough freedom may hang herself.

Next to murder, one of the most serious offenses is to mention a per- 689
son's true name (given at birth?) or to mention a person's name after his death. This has caused many tribal conflicts.

The value of the compensation demanded in disputes varies directly 681
with the social rank of the offended party. In some cases a repeated 565
offender may be killed by his own sib members. Sometimes, rather than 728
to continue the warfare, hostile sibs may confer under the auspices of an outsider, such as a Capuchin monk, and draw up peace terms. In personal quarrels or minor brawls women often step in and enforce peace.

WARFARE

Wars between the *Goajiro* and outsiders are rare, but any White man 721
may be held liable for the offense done by another, as all Whites are thought 609
to belong to the same sib. Sometimes the few civilized people living in the peninsula take vengeance on the Indians, which leads to further reprisals by the latter.

At the time of De la Rosa, war was declared by sending to the other 721
tribe an ambassador who, in a public speech, asked indemnities for damage previously done. If these were not conceded war was declared, but a brief truce was observed in order that preparations might be made. In battle each group of opposing warriors formed a semicircle and tried to surround and destroy the other. In individual encounters a *Goajiro* rode 726
out on a horse, but, upon seeing the enemy, he dismounted and shot his own horse with an arrow to show his confidence and willingness to fight